

Customer No. 26874
PATENT TRADEMARK OFFICE
Attorney Docket: END909.0511036

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Frederick E. Shelton IV : Paper No: **FAX RECEIVED**
Serial No. 10/615,974 : Group Art Unit: 3721 **MAY 04 2005**
Filed: July 9, 2003 : Examiner: Paul Durand **OFFICE OF PETITIONS**
For: Surgical Stapling Instrument Incorporating a Tapered Firing Bar for Increased Flexibility Around the Articulation Joint

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

MS Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, Applicant herewith submits certain information, which the Patent & Trademark Office may wish to consider in examining the above-identified application. The information is listed below, and is also listed on the attached form PTO-1449.

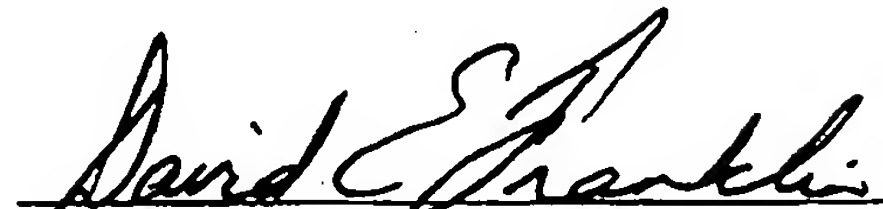
<u>FOREIGN REFERENCE</u>	<u>APPLICANT</u>	<u>ISSUE DATE</u>
DE 195 20 717 A1	Aesculap AG	12-19-1996

A copy of the foreign patent is enclosed for review. Pursuant to the waiver published in the Pre-OG Notice, dated July 11, 2003, no copies are provided herewith of U.S. patents cited. No representation is made or intended that a prior art search has been made or that no better art than the listed is available. It is respectfully requested that the information be considered by the Examiner and made of record in the present application.

A charge card from for \$180.00 is enclosed. The Commissioner for Patents is authorized to charge any deficiency or credit any overpayment of fees to the Frost Brown Todd LLC Deposit Account No. 06-2226.

Serial No. 10/615,974

Respectfully submitted,



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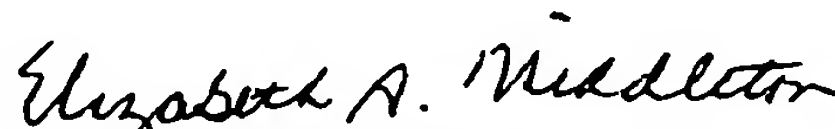
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CERTIFICATE OF FACSIMILE

I hereby certify that a copy of this correspondence is being deposited with the United States Patent and Trademark Office, Office of Petitions, via facsimile to 1-571-273-0025 addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 4th day of May, 2005.



Elizabeth A. Middleton

Customer No. 26874
PATENT TRADEMARK OFFICE

Substitute for Form PTO 1449						
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known			
			Application No.		10/615,974	
			Filing Date		July 9, 2003	
			First Named Inventor		Frederick E. Shelton IV	
			Art Unit		3721	
Examiner Name		Paul Durand				
Sheet	1	of	1	Attorney Docket No. END909.0511036		
U.S. PATENT DOCUMENTS						
Examiner initials	Cite No.	DOCUMENT NUMBER Number-Kind code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		US-			FAX RECEIVED MAY 04 2005 OFFICE OF PETITIONS	
		US-				
		US-				
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		US-				
		US-				
FOREIGN PATENT DOCUMENTS						
Examiner initials	Cite No.	Foreign Patent Document Country Code ³ -Number ⁴ -Kind code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		DE 195 20 717 A1	12-19-1996	Aesculap AG		
OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS						
Examiner initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published				

CinLibrary 0021680.0511036 1503607v.1

EXAMINER SIGNATURE _____

DATE CONSIDERED _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.